

members and employees shall be provided full opportunity to offer information and explanation prior to any final determination.

§ 811.9 Procedures for resolving conflicts of interest—members.

(a) *Remedial action.* (1) Members shall disqualify themselves from participating in any Council proceeding involving any matter in which they have a potential, actual, or apparent conflict of interest. In lieu of disqualification, members may divest themselves of the interest, establish a blind trust, or otherwise eliminate the conflict of interest.

(2) Members with unresolved conflicts of interest may be disqualified by the Chairman.

(b) *Chairman's authority.* The Chairman of the Council is authorized to take whatever remedial action authorized by these regulations that is appropriate to protect the integrity of the Council.

§ 811.10 Procedures for resolving conflicts of interest—employees.

(a) *Remedial action.* Violations of these regulations by an employee may be cause for mandatory remedial action. If the Executive Director decides that remedial action is required, the Executive Director shall initiate immediate action to eliminate the conflict or apparent conflict of interest within a reasonable time. Remedial action may include reassignment or restriction of the employee, divestiture of the interest, establishment of a blind trust, or other means by which the conflict or apparent conflict is eliminated.

(b) *Disciplinary action.* Employees who refuse to comply with an order for remedial action shall be considered to be in violation of these regulations and may be subject to disciplinary action, including suspension or removal from their positions.

(c) *The Executive Director's authority and decision.* The Executive Director is authorized to order resolution of conflict of interest situations and the Executive Director's decision regarding remedial action shall be final.

§ 811.11 Definitions.

(a) *Apparent conflict.* A situation where a reasonable member of the public could suppose a member or employee to be in conflict, even though the member or employee might not be.

(b) *Conflict or actual conflict.* A situation where a member's or employee's duties or responsibilities at the Council are or will be affected or influenced by the member's or employee's financial interest or outside employment of activities.

(c) *Direct interest.* Ownership or part ownership of lands, stocks, bonds, or other holdings by a member or employee in the member's or employee's name. Direct interest includes the holdings of a spouse and minor child and the holdings of other relatives, including in-laws, who live in the member's or employee's home.

(d) *Indirect interest.* Ownership or part ownership of land, stocks, bonds, or other holdings by a member or employee in the name of another person where the member or employee reaps the benefits of the ownership. An indirect interest is considered to be a direct interest for purposes of these regulations.

(e) *Outside work and activities.* All gainful employment and other activities other than the performance of official duties.

(f) *Potential conflict.* A situation where a conflict or an apparent conflict is likely to occur in the future.

PART 812—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

Sec.

812.101 Purpose.

812.102 Application.

812.103 Definitions.

812.104–812.109 [Reserved]

812.110 Self-evaluation.

812.111 Notice.

812.112–812.129 [Reserved]

812.130 General prohibitions against discrimination.

812.131–812.139 [Reserved]

812.140 Employment.